

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

841I0440

HOUSE BILL NO. 1059

Introduced by: Representatives McCaulley, Gillespie, and Hennies and Senators de Hueck, Abdallah, and Koetzle

1 FOR AN ACT ENTITLED, An Act to limit the amount of a supersedeas bond that must be
2 posted to stay the execution of a judgment while an appeal is pending.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 15-26A-26 be amended to read as follows:

5 15-26A-26. If the appeal is from a judgment directing the payment of money, the conditions
6 of the bond required by § 15-26A-25 shall be the payment of the judgment or that part of the
7 judgment which is affirmed together with interest thereon from the date of the judgment. The
8 amount of the bond may not exceed twenty-five million dollars regardless of the amount of
9 judgment. However, if an appellee proves by a preponderance of the evidence that an appellant
10 is dissipating assets outside the ordinary course of business to avoid payment of a judgment, the
11 court may require the appellant to execute a bond in the amount of the judgment.

